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16 Attorneys for Defendants

17
18 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA
19 SACRAMENTO DIVISION

20
21 **BOBBY WARREN; ANDY LAMBACH;**
JONATHON WILLIAMS; MICHAEL
22 **SAMUELSON; TRACY MILLER;**
23 **TONA PETERSEN; CAROL BETH**
THOMPSON; CHRISTA STEVENS,

24 Plaintiffs,

25 v.

26 **CITY OF CHICO; CITY OF CHICO**
POLICE DEPARTMENT,

27 Defendants.
28

Case No. 2:21-cv-00640- MCE-DMC

**STIPULATION AND ORDER MODIFYING
INITIAL PRETRIAL SCHEDULING
ORDER**

Judge: Hon. Morrison C. England, Jr.

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12 Attorneys for Plaintiffs

1 WHEREAS, on April 11, 2021, this Court granted the Temporary Restraining Order
2 requested by Plaintiffs Bobby Warren, Andy Lambach, Jonathon Williams, Michael Samuelson,
3 Tracy Miller, Tona Peterson, Carol Beth Thompson, and Christa Stevens (Plaintiffs) and set a
4 hearing on Plaintiffs' request for Preliminary Injunction for April 23, 2021;

5 WHEREAS, on April 15, 2021, this Court issued an Initial Pretrial Scheduling Order
6 pursuant to the provisions of Rule 16 of the Federal Rules of Civil Procedure;

7 WHEREAS, Section III of the Initial Pretrial Scheduling Order provides, in part, "[w]ithin
8 sixty (60) days of service of the complaint on any party, or from the date of removal, whichever is
9 later, the parties shall meet and confer as required by Federal Rule of Civil Procedure 26(f)
10 regarding their discovery plan";

11 WHEREAS, Section VIII of the Initial Pretrial Scheduling Order provides, in part, "[t]he
12 parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the Initial
13 Pretrial Scheduling Order shall not be modified except by leave of court upon a showing of good
14 cause";

15 WHEREAS, on April 21, 2021, Plaintiffs served the complaint on Defendants City of Chico
16 and City of Chico Police Department (collectively referred to here as Defendant), obligating the
17 parties meet and confer regarding their discovery plan no later than June 21, 2021¹;

18 WHEREAS, counsel for Plaintiffs and counsel for Defendant appeared at the April 23,
19 2021, hearing on Preliminary Injunction and the parties agreed and this Court ordered that the terms
20 of the Temporary Restraining Order are extended until May 14, 2021, and the hearing on the
21 Preliminary Injunction was continued to May 14, 2021;

22 WHEREAS, at the April 23, 2021, hearing on Preliminary Injunction this Court asked the
23 parties to discuss resolution of Plaintiffs' request for Preliminary Injunction;

24 WHEREAS, on April 23, 2021, the parties began communicating via email.

25 WHEREAS, at its April 26, 2021-Special City Council meeting, Defendant formed a
26 Homeless Solutions Ad Hoc Committee of the City of Council and held six public hearings on
27 April 28, April 30, May 3, May 5, May 6, and May 7;

28 ¹ As computed pursuant to Rule 6(a) of the Federal Rules of Civil Procedure.

1 WHEREAS, counsel for the parties met on April 30, 2021, to discuss resolution of the
2 request for Preliminary Injunction, as well as resolution of this litigation, and intend to continue
3 these negotiations;

4 WHEREAS, on May 6, 2021, the parties signed a stipulation to extend the terms of the
5 Temporary Restraining Order through June 11, 2021, and to continue the hearing on the Preliminary
6 Injunction to June 11, 2021;

7 WHEREAS, on May 10, 2021, this Court ordered the terms of the Temporary Restraining
8 Order to be extended through June 11, 2021, and continued the hearing on the Preliminary
9 Injunction to June 11, 2021;

10 WHEREAS, Plaintiffs sent Defendant a written settlement letter on May 12, 2021;

11 WHEREAS, Defendant met at its regularly scheduled City Council meeting on May 18,
12 2021 and in closed session considered Plaintiffs' settlement letter;

13 WHEREAS Defendant responded to Plaintiffs and sent a written settlement proposal on
14 May 26, 2021;

15 WHEREAS, the parties' counsel spoke telephonically about the Defendant's settlement
16 proposal on May 28, 2021, and Defendant stated it would provide Plaintiffs' a revised settlement
17 proposal on or about June 2, 2021, after meeting with the City Council and discussing the settlement
18 proposal at Defendant's regularly scheduled June 1, 2021, City Council meeting;

19 WHEREAS, on June 1, 2021, the parties' counsel spoke telephonically after the City
20 Council meeting;

21 WHEREAS, on June 4, 2021, Defendant's counsel provided Plaintiffs' counsel with a
22 revised written settlement proposal for consideration;

23 WHEREAS, on June 4, 2021, the parties signed a stipulation to extend the terms of the
24 Temporary Restraining Order through June 25, 2021, and to continue the hearing on the Preliminary
25 Injunction to June 25, 2021;

26 WHEREAS, on June 4, 2021, this Court ordered the terms of the Temporary Restraining
27 Order to be extended through June 25, 2021, and continued the hearing on the Preliminary
28 Injunction to June 25, 2021;

1 WHEREAS, on June 9, 2021, Plaintiffs' counsel responded to Defendants' revised written
2 settlement proposal and made a written proposal for an interim resolution that would obviate the
3 need for a preliminary injunction hearing;

4 WHEREAS, the parties continue to discuss settlement, but have not reached an agreement;²

5 WHEREAS, on June 18, 2021, the parties signed a stipulation to extend the terms of the
6 Temporary Restraining Order through July 2, 2021, to continue the hearing on the Preliminary
7 Injunction to July 2, 2021, for Defendant to file all evidence and argument about their resting site
8 plan no later than June 21, 2021, and for Plaintiffs to file all evidence and argument in response to
9 Defendants' filing no later than June 28, 2021;

10 WHEREAS, on June 18, 2021, this Court ordered the terms of the Temporary Restraining
11 Order to be extended through July 2, 2021, continued the hearing on the Preliminary Injunction to
12 July 2, 2021, Defendants shall file all evidence and argument about their resting site plan no later
13 than June 21, 2021, and Plaintiffs shall file all evidence and argument in response to Defendants'
14 filing no later than June 28, 2021;

15 WHEREAS, the parties desire and the above recitals demonstrate good cause to extend the
16 deadline to meet and confer as required by Federal Rule of Civil Procedure 26(f) regarding their
17 discovery plan to July 9, 2021. The parties have engaged in good-faith settlement negotiations since
18 the April 23, 2021, hearing on Preliminary Injunction. The parties believe the most efficient way
19 to advance this case is to continue focusing on settlement negotiations and the hearing on the
20 Preliminary Injunction on July 2, 2021. If these efforts do not resolve this case, then the Parties will
21 meet and confer regarding a discovery plan in accordance with this stipulation and order;

22 IT IS THEREFORE STIPULATED, through the parties' respective undersigned counsel of record,
23 and ordered by this Court as follows:

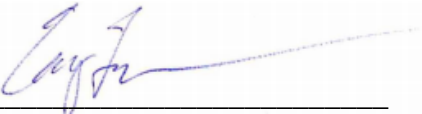
- 24 1. No later than July 9, 2021, the parties shall meet and confer as required by Federal Rule of
25 Civil Procedure 26(f) regarding their discovery plan.

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28 ² The parties would welcome the assistance of a Magistrate Judge in facilitating further
settlement discussions.

1 **IT IS SO STIPULATED**

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3 PLAINTIFFS:

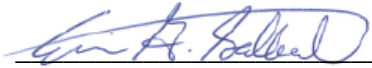
4 DATED: June 21, 2021

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7 Legal Services of Northern California
8 By: Cory Turner
9 Attorney for Plaintiffs

DEFENDANTS:

DATED: June 21, 2021

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12 Alvarez-Glasman & Colvin
13 By: Vincent C. Ewing
14 Eric G. Salbert
15 Attorneys for Defendants

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17 **IT IS SO ORDERED.**

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19 Dated: June 30, 2021

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22 MORRISON C. ENGLAND, JR.
23 SENIOR UNITED STATES DISTRICT JUDGE
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